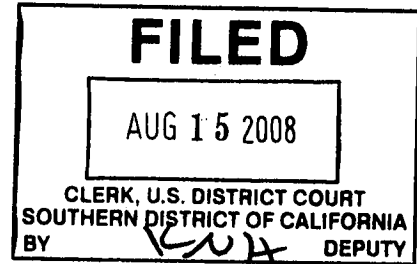


1 James-Francis: Murphy,
2 In Care of Postal Department 234277
3 Encinitas, California 92023-4277
4 Tel: 760-230-2868
5 In Propria Persona
6



7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

Plaintiff,

V.

JAMES FRANCIS MURPHY,

Defendant.

) Case No. 08 CR 1196 W

) APPLICATION FOR AN ORDER TO
) SHOW CAUSE

) Magistrate Judge Nina Stormes
) August 21, 2008 at 9:30am

11
12 James Murphy, Real Party in Interest,
13 Third Party Intervener, Authorized
14 Representative, Man
15

16 In accord with Rule 65, F.R.C.P., Third Party Intervener, hereby files this **Application**
17 **for an Order to Show Cause** why the relief sought in the matter relating to a man,
18 sovereign without subjects, that property including cellular telephone, laptop computer,
pre- 1933 ten dollar gold coin, keys, Nuk Alert, original Apostille, and all original
documents with proof of mailings should not be returned and salient issues addressed.
This Application is based upon and supported by the accompanying **Memorandum of**
Points and Authorities For Application For Order To Show Cause and the **Affidavit**

1 of James-Francis: Murphy in Support of Order to Show Cause, both of which are
2 attached hereto and incorporated herein by this reference.

3 **PRAYER FOR RELIEF**
4

5 Third Party Intervener appears and requests that this court issue an order ordering
6 Plaintiff to;

- 7 1. Show cause as to why the laptop computer seized cannot be returned as the
8 device itself has no probative value; and
- 9 2. Show cause as to why the cellular telephone seized cannot be returned as the
10 device itself has no probative value; and
- 11 3. Show cause as to why original documents seized that validate the authenticity of
12 documents in question should not be returned : and
- 13 4. explain how fundamental due process rights will not be violated since said
14 documents are vital evidence for the defense and the Plaintiff actions have
15 severely limited the ability to mount a defense in this action; and
- 16 5. Show cause as to why Third Party Intervener cannot travel as he has
17 demonstrated by past and current conduct that he is neither a flight risk nor a
18 danger to the community; and
- 19 6. restrain themselves from interfering with Real Party in Interest personal property;
20 and
- 21 7. explain, demonstrate and prove the compelling public interest as to why the Real
22 Party in Interest's liberty of travel is being restricted; and

- 1 8. restrain themselves from interfering with Real Party in Interest unalienable Right
- 2 to travel; and
- 3 9. Show cause as to what exactly about the documents are incorrect; and
- 4 10. Show cause as to what remedies a man, sovereign without subjects, is to do to
- 5 obtain recognition in using his own travel documents; and
- 6 11. Show cause why it is considered a crime to execute and apply what ALL the
- 7 governmental foundational agreements are about, which is self-government; and
- 8 12. Show cause why the internationally recognized public document called an
- 9 APOSTILLE (Convention de La Haye du 5 octobre 1961) by the SECRETARY
- 10 OF STATE of the State of California that CERTIFIED on May 19, 2007 the
- 11 Notary Public who then certified the signature on the Act of State, Reaffirmation
- 12 of Character And Renunciation of Attempted Expatriation of James-Francis:
- 13 Murphy which clearly delineates his status as a Sovereign man not a United
- 14 States Citizen is being ignored in violation **15 Stat. ch.249 pg 223(1868)**; and
- 15 13. Show cause as to why RPII is listed as a United States citizen when in fact such
- 16 citizenship was voluntarily renounced in May 2007 with the Act of State. The
- 17 United States Supreme court recognized the "right of expatriation" as an inherent
- 18 right of all people and that Congress has no power under the Constitution to
- 19 divest a person of his United States citizenship absent his voluntary renunciation
- 20 thereof, see **Afroyim v. Rusk, 387 U.S. 253 (1967)**; and
- 21 14. Show cause as to how Article IV, Section 3 of the Constitution of the United
- 22 States, "The Congress shall have Power to dispose of and make all needful

1 Rules and Regulations respecting the Territory or other Property belonging to the
2 United States;" , applies to the RPII: and

3 15. Show cause as to how the definition of "United States" from Title 28 **Judiciary**
4 **and Judicial Procedure** U.S.C. Sec. 3002 Page 564 Definitions (14)"State"
5 means any of the several States, the District of Columbia, the Commonwealth of
6 Puerto Rico, the Commonwealth of the Northern Marianas, or any territory or
7 possession of the United States. (15)"United States" means- (A) a Federal
8 corporation; (B) an agency, department, commission, board, or other entity of the
9 United States; or (C) an instrumentality of the United States" applies to
10 **California**, the de jure state (a republic) versus the aggregate corporation of the
11 United States, United States of America or the STATE OF **CALIFORNIA**
12 corporation; and

13 16. Show cause as to how the living man, James-Francis: Murphy, Real Party in
14 Interest, is the territory, property or possession of the United States or UNITED
15 STATES OF AMERICA to which Statutes, Codes, Rules and Regulations apply;
16 and

17 17. Show cause why this instant case is occurring in the United States District Court
18 which, according to **Balzac v. Porto Rico, 258 U.S. 312(1922)**, "The United
19 States District Court is not a true United States Court established under Article III
20 of the Constitution to administer the judicial power of the United States therein
21 conveyed. It is created by virtue of the sovereign congressional faculty, granted
22 under Article IV, Sec. 3, of that instrument, of making all needful rules and
23 regulations respecting the territory belonging to the United States." and The

1 United States District Court is "a mere territorial court" and **COCHRAN et. al. v.**
2 **ST. PAUL & TACHOMA LUMBER CO. 73 Fed. Supp 288 (1947)**, which states,
3 "A United States District Court is purely a creature of legislative branch of
4 government, generally provided for by Constitution, but not a constitutional court
5 in stricter sense, and its jurisdiction comes from Congress."; and

6 18. Show cause as to how Senate Ethic Committee Rule 54 applies to the RPII who
7 functions from the county as declared in his Act of State which is foreign to the
8 United States and UNITED STATES OF AMERICA; and

9 19. Show cause as to how the RPII is suable when in **ALDINGER v. HOWARD,**
10 **TREASURER OF SPOKANE COUNTY, ET AL 427 U.S. 1(1976)** "the county is
11 not suable as a "person" Civil Rights Act of 1871, 42 U.S.C. 1983 for purposes
12 of asserting a state-law claim not within federal jurisdiction, is without the District
13 Court's statutory jurisdiction. The counties are excluded from the "person[s]"
14 answerable to the [427 U.S. 1, 2] plaintiff "in an action at law [or] suit in equity"
15 to redress the enumerated deprivations; and

16 20. Show cause as to why RPII is not competent authority as a Sovereign State-in-
17 fact to create and issue its own house a "passport" in the nature of said definition
18 or to obtain one from a neutral source according to the Immigration and
19 Naturalization Act of June 27, A.D. 1952, 66 Statutes at Large Public Law 414
20 wherein in that Act, it states in Title I, Section 101, Definitions, page 170 "(30)
21 The term 'passport' means any travel document issued by competent authority
22 showing the bearer's origin, identity, and nationality if any, which is valid for the
23 entry of the bearer into a foreign country."; and

- 1 21. Show cause as to why the Grand Jury (GJ) transcript (copy) relevant to the
2 defendant's guilt or innocence of the alleged crimes should not be turned over;
3 and
4 22. Show cause how not turning over the GJ transcript relevant to the defendant's
5 guilt or innocence of the alleged crimes would not deprive the defendant of the
6 constitutional right of effective assistance of counsel and the right to be prepared
7 for cross-examination of accusing witnesses; and
8 23. Show cause why plaintiff should not admit that named defendant, JAMES
9 FRANCIS MURPHY, does not exist as a Limited Liability Company, Limited
10 Liability Partnership, Limited Partnership, General Partnership, alpha scroll, Sole
11 Partnership , Unincorporated Business Organization, or Corporation filed with
12 STATE OF CALIFORNIA: and
13 24. Show cause why plaintiff should not admit that in relation to entity known as
14 JAMES FRANCIS MURPHY , named defendant , that United States Attorney
15 General in his capacity as alien property custodian pursuant to 50 USC Appx 12
16 among other statutes and codes is not the former trustee of said entity JAMES
17 FRANCIS MURPHY; and
18 25. Show cause why Assistant United States Attorney Fred Sheppard should not
19 admit that he is an agent of a foreign principle due to his relationship as member
20 of CA State Bar #250781 since October 2007 therein being subsidiary of
21 international bar domiciled in United Kingdom under Bank of England in
22 accordance with 22 USC 611 and Bar Treaty of 1947; and

1 26. Show Cause why the plaintiff, UNITED STATES OF AMERICA, should not testify
2 in open court in this matter as to injuries sustained; and

3 27. Show Cause as to what relief requested should not be issued as prayed for in
4 Third Party Plaintiff's Application for Order to Show Cause.

5 IT IS FURTHER HEREBY ORDERED, that pending the hearing and
6 determination of the Order to Show Cause, said Plaintiff, and all persons acting in
7 concert or participation with them, be and they hereby are to be restrained regarding
8 further action of Plaintiff in relation to Real Party in Interest.

9
10 IT IS FURTHER ORDERED, that service of this Order to Show Cause together
11 with a copy of the papers filed with the Application therefore by hand delivery to the
12 Assistant U. S. Attorney Fred Sheppard, 880 Front Street Room 6293, San Diego,
13 California, on or before, 2008, at __o'clock __.m. be deemed sufficient service.
14 Plaintiff's opposition, if any, shall be filed and served by personal delivery on or before
15 __.m. on ____ August, 2008, and the petitioner's reply, if any, shall be filed and
16 served by personal delivery on or before ____m. on _____, 2008.

17
18 The Court having read and considered Third Party Intervener's Application for
19 Order to Show Cause and being fully advised in the premises and good cause
20 appearing therefore;

21
22 IT IS HEREBY ORDERED that the Plaintiff appear before this Court on the date listed
23 above, then and there to show cause, if any there be, why Plaintiff should not

24 1. Show cause as to why the laptop computer seized cannot be returned as the
25 device itself has no probative value; and

- 1 2. Show cause as to why the cellular telephone seized cannot be returned as
- 2 the device itself has no probative value; and
- 3 3. Show cause as to why original documents seized that validate the authenticity
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- 21 governmental foundational agreements are about, which is self-government;
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6 of James-Francis: Murphy which clearly delineates his status as a Sovereign
7 man not a United States Citizen is being ignored in violation **15 Stat. ch.249**
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- 9 13. Show cause as to why RPII is listed as a United States citizen when in fact
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18 Rules and Regulations respecting the Territory or other Property belonging to
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23 Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas,

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2 means- (A) a Federal corporation; (B) an agency, department, commission,
3 board, or other entity of the United States; or (C) an instrumentality of the
4 United States" applies to **California**, the de jure state (a republic) versus the
5 aggregate corporation of the United States, United States of America or the
6 STATE OF **CALIFORNIA** corporation; and

7 16. Show cause as to how the living man, James-Francis: Murphy, Real Party in
8 Interest, is the territory, property or possession of the United States or
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19 court" and **COCHRAN et. al. v. ST. PAUL & TACHOMA LUMBER CO. 73**
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19 country."; and

20 21. Show cause as to why the Grand Jury (GJ) transcript (copy) relevant to the
21 defendant's guilt or innocence of the alleged crimes should not be turned
22 over; and

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5 23. Show cause why plaintiff should not admit that named defendant, JAMES
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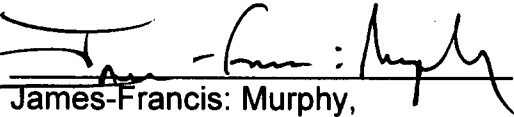
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22 27. Show Cause as to what relief requested should not be issued as prayed for in
23 Third Party Plaintiff's Application for Order to Show Cause..

1
2 RESPECTFULLY SUBMITTED this 15th August, 2008.
3
4

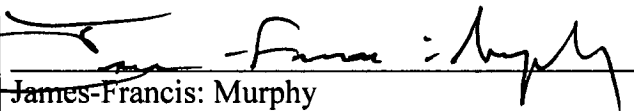
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6

7 James-Francis: Murphy,
8 In Care of Postal Department 234277
9 Encinitas, California 92023-4277
10 Tel: 760-230-2868
11 In Propria Persona
12
13

1 **CERTIFICATE OF SERVICE**

2
3 COPY of the forgoing hand delivered,
4 This 15th day of August, 2008, to:
5 U. S. Assistant Attorney Fred Sheppard
6 880 Front Street Room 6293
7 San Diego, CA
8 619-557-5610
9 _____

10 _____
11
12 Service performed by:

13 _____
14 

15 James-Francis: Murphy

16 In Care of Postal Department 234277

17 Encinitas, California 92023-4277

18 Tel: 760-230-2868